

## REMARKS

Claims 1-6 are pending in the present application. In the above amendment, claim 1 has been amended to improve the clarity of the claim.

In the Office Action mailed July 1, 2003, the Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Henriksson (U.S. 5,128,965). Applicants respectfully traverse this rejection.

In the rejection, the Examiner alleges that Henriksson discloses a method for controlling transmission energy associated with generating and processing a signal indicative of a characteristic of a propagation path between a communication station and a second communication station. The Examiner further contends that Henriksson discloses transmitting the signal indicative of the characteristic to the communication station along with power adjustment requests from the second communication station, receiving the signal and power adjustment requests at the communication station, setting a transmission power level at the communication station in accordance with the received signal for a predetermined time period, and modifying the adjusted transmission power level in accordance with a step size. Applicants, however, respectfully disagree with the Examiner's interpretation of the Henriksson reference.

Applicants respectfully submit that the "closed loop power control commands" sent by the second communication station of claims 1-6 of the present invention are not the same as the multiplexed control signal that is sent in the system of Henriksson. The control signal sent by Henriksson is a multiplexed signal that includes information as to the presence of a multi-path condition, signal strength, and frame errors ( $S_{mp}$ ,  $S_{min}$ , and  $S_{err}$ , respectively) that are then used by the transmission power adjustment block to decide adjustments to the transmission energy. Accordingly, the multiplexed signal of Henriksson is a signal carrying the path characteristics. The communication station that receives this multiplexed signal then sets the power adjustment based upon the path characteristics. In accordance with the present invention, however, both the path characteristics and the closed loop power control commands (or power adjustment requests) are used. The closed loop power control commands of the present invention are for direct and explicit "up" or "down" power adjustments of the communication station. Accordingly, because Henriksson does not disclose closed loop power control commands of this nature, Applicants

respectfully submit that Henriksson cannot possibly anticipate claims 1-6 of the present invention. Therefore, Applicants submit that claims 1-6 of the present invention are allowable thereover.

Applicants further request the Examiner to specifically address the above noted deficiencies with regard to Henriksson as they have not been addressed since the previous response dated April 7, 2003.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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